

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09266

Priority: November 18, 2005

Maximum Diversion Rate: 0.20 CFS

This is to certify, that JOSEPH GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

And

LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

has applied for a permit to appropriate water from:

Source: DELYLE CREEK**Tributary:** TWIN CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
POWER	01/01 to 12/31	0.20 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

DELYLE CREEK L4 (NW¼NW¼) Sec. 1, Twp 54N, Rge 02E, B.M. BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N 02E 1						X											
						L 4											

CONDITIONS OF APPROVAL

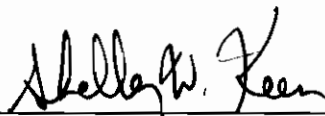
1. Proof of application of water to beneficial use shall be submitted on or before **August 15, 2008**.
2. Subject to all prior water rights.
3. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-203B(7), Idaho Code.
4. The water right acquired under this permit for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09266

5. The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
6. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
7. Domestic use is for 1 home.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
9. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
10. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.
11. The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of August, 2007.


for DAVID R. TUTHILL, JR., Director

72428

Ident. No. 96-9266

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
NOV 18 2005

IDWR/North
208-446-8301
254-460-9850
208-610-9634

1. Name of Applicant JOSEPH AND LAURIE GAWEL Phone _____
Mailing address 2627 TWIN CREEK ROAD, CLARK FORK, IDAHO, 83811

2. Source of water supply DELYLE CREEK which is a tributary of TWIN CREEK

3. Location of point of diversion is Township 54 N Range 2 E Sec. 1, in the _____ 1/4,
NW 1/4, NW 1/4, Govt. Lot T-6 4, B.M., BONNER County;

additional points of diversion if any:

4. Water will be used for the following purposes:

Amount .33 for POWER purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .21 - 1.000.37 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works: GENERATE ELECTRICITY WITH WATER DRIVEN ALTERNATOR.

a. Describe type and size of devices used to divert water from the source 4" DIA. SCREENED INTAKE WITH A 4" DIA., 230' LONG PVC PIPELINE WITH A TWO NOZZLE STREAM ENGINE ALTERNATOR.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 35°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. 15' OF HEAD / 600 WATTS

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
54N	2E	1						Lot 4 P/D											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? JOSEPH AND LAURIE GAWEL

b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: PARCEL # 54N02E013190

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Joseph Gawel Laurie Gawel
Signature of Applicant (and title, if applicable)

Received by db Date 11/18/05 Time 1:19 PM Preliminary check by _____
Fee \$ 250.00 Received by db # N017275 Date 11/18/05
Publication prepared by db Date 11/22/05 Published in Bonner Co Adm. Rec 12/14/05
Publication approved db Date 12/13/05

1567'

[3190]

T-2
LESS T-5, T-6

T-5

155'
T-3
148'

DELYE CREEK

T-6

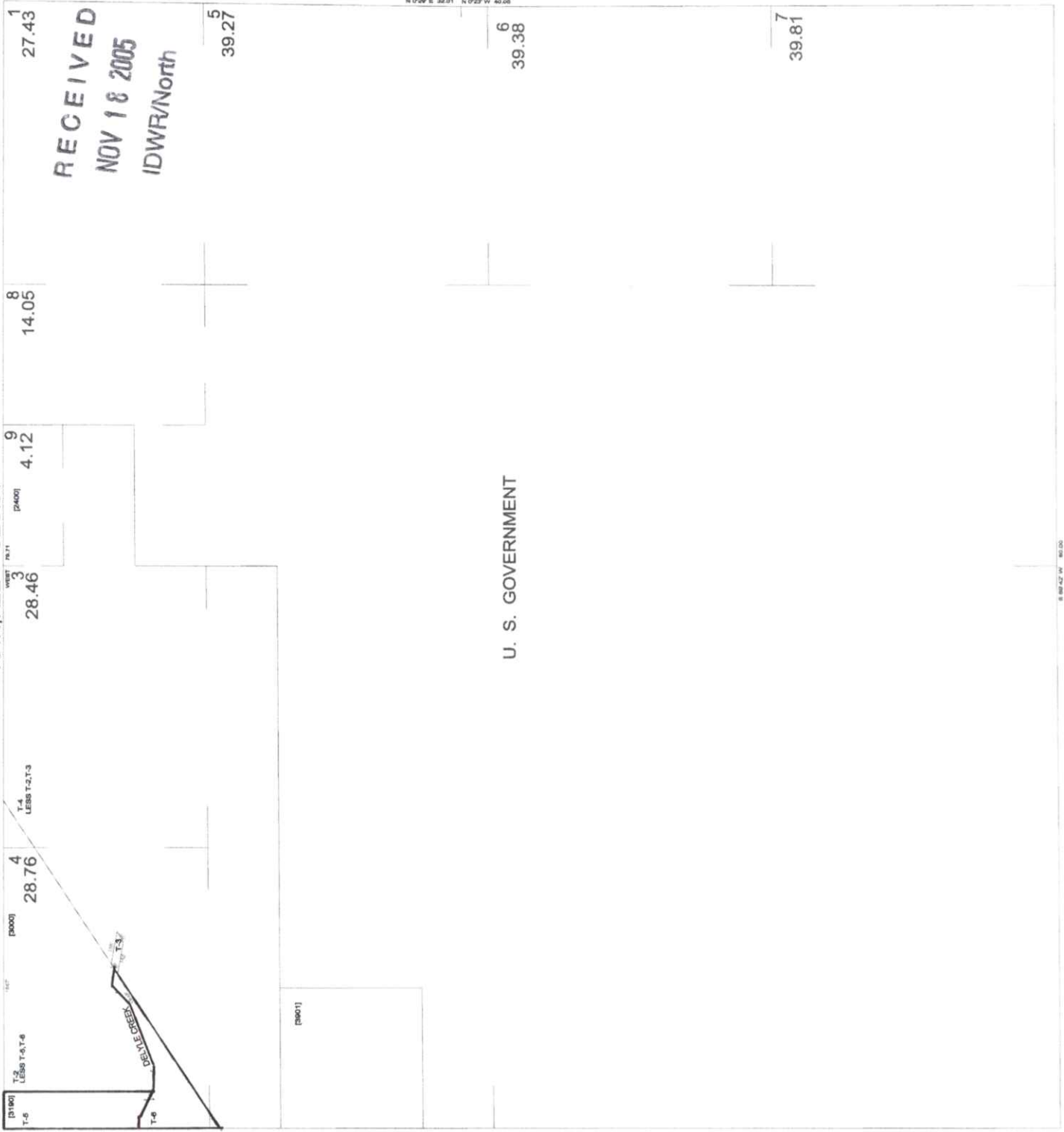
- CREEK
- INTAKE
- PIPELINE
- ALTERNATOR
- WATER RETURNING TO CREEK

RECEIVED
APR 18 2005
IDWR/North

T54N R2E SEC.01

GAWEL

T54N,R2E SEC.01



GAWEL

11/15/05

PMO100 - PARCEL MASTER INQUIRY

11:11:13

PARCEL: RP 54N02E013190 A F1=SL F9=MS F10=LN F12=RC
F17=DD F19=SP F24=LD

*TREND - LEGAL DESCRIPTION

GAWEL, JOSEPH & LAURIE

1-54N-2E
TAX 5 & 6

2627 TWIN CREEK RD

ProVal Area Number 1

CODE AREA 8-0000 OWNER CD

PARC TYPE 3J LOC CODE 1300

EFFDATE 3061995 EXPDATE

CLARK FORK ID 83811

2627 TWIN CRK RD 83811

PREV PARCEL RP54N02E010750T

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2003	5000	AC	22426				
32	2003			1530				
34	2003			47850				

TOTALS 5000 71806

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

RECEIVED
NOV 18 2005
DWR/North

ATTACHED LEGAL DESCRIPTION

RECEIVED
NOV 18 2005
IDWR/North

Order No.: S40327

T-5 PARCEL I:

A tract of land located in the Northwest Quarter of Section 1, Township 54 North, Range 2 East, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Section 1, said point being the True Point of Beginning; thence South 00°02'59" East along the West line of said Section 1 a distance of 617.45 feet to the centerline of the Clark Fork Tributary known as Delyle Creek;

thence leaving said West line along the centerline of Delyle Creek the following courses:

South 89°23'36" East a distance of 18.60 feet;

thence South 68°49'06" East, 70.01 feet;

thence South 60°20'00" East, 96.18 feet;

thence South 88°12'49" East, 8.53 feet;

thence leaving said centerline of Delyle Creek North 00°02'59" West a distance of 689.99 feet to the North line of said Section 1;

thence North 89°43'53" West along the North line of said Section 1, a distance of 175.92 feet to the True Point of Beginning.

T-6 PARCEL II:

A tract of land located in the Northwest Quarter of Section 1, Township 54 North, Range 2 East, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Section 1;

thence South 00°02'59" East a distance of 617.45 feet along the West line of Section 1 to the center line of the Clark Fork Tributary known as Delyle Creek and the True Point of Beginning;

thence continuing along said West line South 00°02'59" East for a distance of 382.55 feet;

thence leaving said West line North 57°37'56" East a distance of 908.03 feet to the centerline of Delyle Creek;

thence along the centerline of said Delyle Creek the following courses:

North 85°23'06" West, 94.56 feet;

thence South 49°29'33" West, 113.26 feet;

thence South 68°53'25" West, 318.01 feet;

thence North 88°12'49" West, 122.84 feet;

thence North 60°20'00" West, 96.17 feet;

thence North 68°49'06" West, 70.01 feet;

thence North 89°23'36" West, 18.60 feet to the True Point of Beginning.

RECEIVED
NOV 29 2005
IDWR/North

96-9266
Water Right No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A. Establishment of Residency: *(Complete either 1, or 2).*

1. Individual Applicant or Individual Members of a Partnership:

I, JOSEPH AND LAURIE GAWEL of CLARK FORK,
(name) (city)

County of BONNER, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose and
say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered office of the said
(name of corporation)

corporation as required by Section 30-1-12, **Idaho Code**, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, **Idaho Code**: and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: *(To be completed for hydropower projects only)*

The hydropower facility to be developed pursuant to the attached Application for Permit:

(check one)

- ☐ Will **not** utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this affidavit.

Joseph and Laurie Gawel
Applicant

STATE OF IDAHO)
County of Bonner)ss

On this 25th day of November, 2005, personally appeared before me the signer(s) of
the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Becky Wittich
Notary Public-residing at
Danbury

**NOW
STARTING
RIGHT
SIDE OF
FILE**

Memo

To: 96-9266
From: cpadilla
Date: 9/6/2007
Re: New Permit Approval Notice

The original permit approval notice was mailed with permit 67-14757 in error. New permit approval notice and correct permit mailed today.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 6, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

JOSEPH GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

RE: Permit No. 96-9266

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit. Also, please note the previous permit that was mailed to you was in error and can be discarded.

This permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

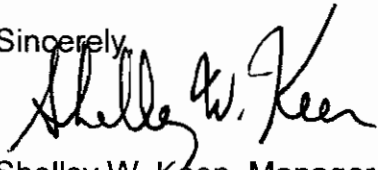
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

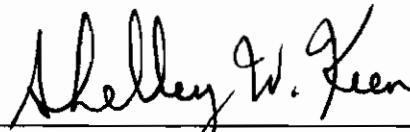
I hereby certify that on September 6, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

96-9266

**JOSEPH GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811**

**LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811**



Shelley W. Keen



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

August 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

RE: Permit No. 96-9266

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

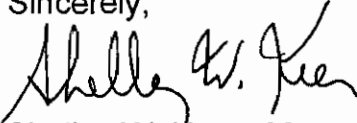
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

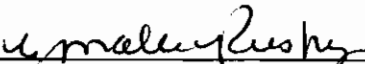
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO. 96-9266

**JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811**



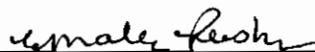
**Emalee Rushing
Office Services Supervisor**

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) in the names of Joseph Gawel and Laurie Gawel to the persons listed below:

RE: WATER RIGHT NO. 96-9266

**JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811**

A handwritten signature in cursive script, appearing to read "Emalee Rushing", is written over a horizontal line.

**Emalee Rushing
Office Services Supervisor**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: August 22, 2007
To: Water Right File 96-9266
From: cpadilla
Re: Permit Review

WD-none
Protests resolved through agreement.
No overlaps
Recommend for approval as suggested by the region.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

July 27, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

Application to Permit No.
Withdrawal of Protest

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following:

Teresa Day ~ by Agreement signed by her and by you.
Idaho Dept of Fish & Game ~ by e-mail from Mary Terra-Berns dated 5/17/2006,
following a site inspection and verbal agreement between the parties involved.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Teresa Day, 2413 Twin Creek Rd, Clark Fork, ID 83811
Mary Terra-Berns, Idaho Dept of Fish & Game 2885 W Kathleen Ave., CDA ID 83815



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 27, 2007

TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK ID 83811

Application to Permit No. 96-9266
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application, the matter being settled by Agreement.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes, P.E.
Regional Manager

CC: Joseph & Laurie Gawel, 2627 Twin Creek Rd, Clark Fork ID 83811
Mary Terra-Berns, Idaho Dept of Fish & Game 2885 W Kathleen Ave., CDA ID 83815



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 27, 2007

MARY TERRA-BERNS
ENVIRONMENTAL STAFF BIOLOGIST
IDAHO DEPT OF FISH & GAME
2885 W KATHLEEN AVE
COEUR D ALENE ID 83814

Application to Permit No. 96-9266
Withdrawal of Protest

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application, the matter being settled by you're agreeing, according to your e-mail dated May 17, 2006, to the proposed terms of agreement between Joseph & Laurie Gawel and Teresa Day. Ms. Day and the Gawels have subsequently formally signed such agreement and submitted it to our office.

There are no remaining protests against this application, so the application will now be forwarded to our State Office in Boise for final processing.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style with a large, prominent 'R' at the beginning.

Robert G. Haynes, P.E.
Regional Manager

CC: Joseph & Laurie Gawel, 2627 Twin Creek Rd, Clark Fork ID 83811

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUL 19 2007

IDWR/North

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 96-9266 IN THE)
NAME OF JOSEPH & LAURIE GAWEL)

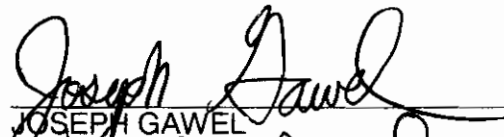
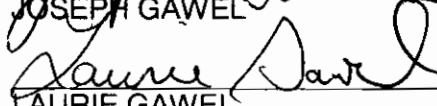
Agreement

On November 18, 2005, Joseph & Laurie Gawel filed with the Department of Water Resources (department) Application for Permit No. 96-9266. This application was protested by Teresa Day.

We, the undersigned Joseph and Laurie Gawel, recognize that Teresa Day holds a water permit filing [96-9243] that is prior in time to our filing [96-9266].

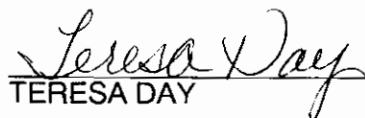
We also understand that this means that the Day's permit must receive its full allotment of water before we are entitled to use water and we agree not to divert water if Day's are not receiving all of the water to which they are entitled.

Dated this 13 day of July, 2007.


JOSEPH GAWEL

LAURIE GAWEL

In recognition of the Gawel's acknowledgment of my prior water right and their agreeing to not divert water if I am not receiving my full allotment, I hereby withdraw my protest against the issuance of a permit to them.

Dated this 14 day of July, 2007.


TERESA DAY



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 6, 2007

Mr. Joseph Gawel
2627 Twin Creek RD
Clark Fork ID 83811

Re: 96-9266

Dear Mr. Gawel

In August of last year I sent a letter to you with an enclosure for you to sign and return which would satisfy the Day's concerns. They have indicated to me that upon receipt of the signed copy they would withdraw their protest and we could proceed to approve your application.

Since I have not heard from you I thought would resend the letter. If what I have drawn up does not meet with your approval, let me know and we can make adjustments to it. If it is OK, just sign it and return it to me.

Please note that our mailing address and phone numbers have changed since our last correspondence.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

August 16, 2006

Re: 96-9243 & 96-9266

I recognize that Teresa Day holds water permit filing (96-9243) that is prior in time to my filing (96-9266). I also understand that this means that the Day's permit must receive its full allotment of water before I am entitled to use water. I agree not to divert water if Day's are not receiving all of the water they to which they are entitled.

Joseph Gawel

Teresa Day
266-0315

August 16, 2006

Re: 96-9243 & 96-9266

I recognize that Teresa Day holds water permit filing (96-9243) that is prior in time to my filing (96-9266). I also understand that this means that the Day's permit must receive its full allotment of water before I am entitled to use water. I agree not to divert water if Day's are not receiving all of the water they to which they are entitled.

Joseph Gawel

Taylor, Greg

From: Terra-Berns, Mary [mterra@idfg.idaho.gov]
Sent: Wednesday, May 17, 2006 3:09 PM
To: Taylor, Greg
Subject: Joe Gawel

Hi Greg,

I just got a call from Joe Gawel. He was wondering what was going on with his water right. After my site visit a few months ago I told him that we would agree to a .20 cfs request (.20 for hydro, .04 for domestic). He said that would be agreeable to him and would contact you guys to make the changes. He said he talked with Bob shortly after my visit. I can't recall if I called or sent an email but I haven't seen anything from you guys with the changes. Do you need something from me?

Let me know if you need something. Thanks!

Mary

Mary Terra-Berns
Environmental Staff Biologist
Idaho Department of Fish & Game
2885 W. Kathleen Ave.
Coeur d'Alene, ID 83814
mterra@idfg.idaho.gov
208-769-1414 208-769-1418 fax

RECEIVED

DEC 19 2005

IDWR/North

DATE: 12-16-05

FROM: JOSEPH AND LAURIE GAWEL - # 96-9266

TO: KARL J. DREHER, DIRECTOR
DEPT. OF WATER RESOURCES, NORTHERN REGION

DEAR SIR,

IN REGARDS TO OUR WATER RIGHTS APPLICATION #96-9266, WE ARE WILLING TO DROP DOWN TO THE .20 CFS RANGE. I WOULD ALSO LIKE TO NOTE THAT LAST WINTER THERE WAS A BELOW AVERAGE SNOW-FALL IN THIS SPECIFIC AREA, FOLLOWED BY A BELOW AVERAGE RAIN FALL IN THE AUTUMN. THIS MADE FOR THE LOWER FLOW RATE OF THE DELYLE CREEK THIS YEAR. THERE WAS A TIME WHEN THE CREEK WOULD NOT SUPPORT BOTH HYDRO SYSTEMS, SO WE TOOK IT UPON OURSELVES TO SHUT OUR SYSTEM DOWN AND RUN OUR GAS POWERED GENERATOR. THIS MAY NEED TO BE DONE FROM TIME TO TIME TO PRESERVE THE INTEGRITY OF THE CREEK. IT WOULD ALSO BE BENEFICIAL FOR WARREN AND TERESA DAY TO HAVE THIS SAME OUTLOOK IN REGARDS TO THE CREEK.

THE CREEK SHOULD BE FIRST PRIORITY, NOT AN INDIVIDUAL PERMIT HOLDER.

IN REGARDS TO A WATER RIGHTS PERMIT, HOW MANY PERMITS CAN AN INDIVIDUAL HOLD?

WARREN AND TERESA DAY HAVE TWO SEPERATE INTAKES FOR WATER USAGE OUT OF DELYLE CREEK.

THE INTAKE THEY HAVE ON OUR PROPERTY IS PERMIT # 96-9243. THEIR OTHER INTAKE IS APPROXIMATELY 500' FURTHER UP THE CREEK. I HAVEN'T NOTICED ANY OTHER PERMIT NUMBERS BESIDES

THE ONES MENTIONED ON THE COPY OF THE

PROTEST LETTER THAT WARREN AND TERESA DAY
SENT YOU.

IN CLOSING, WE ARE WILLING TO DROP DOWN
TO THE .20 cfs RANGE, BUT DO NOT ACCEPT
WARREN AND TERESA DAYS LIMITING OUR USAGE
OF WATER TO SEASONAL ONLY. WE BELIEVE THAT
BOTH PARTIES CAN HAVE EQUAL WATER RIGHTS
FROM DELYLE CREEK, AND THAT IT IS BOTH PARTIES
DUTY TO PRESERVE THE INTEGRITY OF THE CREEK
BY ADJUSTING WATER USAGE FOR THE BENEFIT
OF THE CREEK AS NEEDED.

SINCERELY,

JOSEPH GAWEL
LAURIE GAWEL

Joseph Gawel
Laurie Gawel

CELL
DAYTIME PHONE # 208-610-9634
SATELLITE PHONE # 254-460-9850

RECEIVED
DEC 19 2005
IDWR/North

DATE: 12-15-05

FROM: TERESA A. DAY - PERMIT # 96-9243
2413 TWIN CREEK RD.
CLARK FORK, ID 83811

TO: KARL J. DREHER, DIRECTOR
DEPT. OF WATER RESOURCES, NORTHERN REGION
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE, ID 83814

DEAR DIRECTOR,

AFTER MUCH THOUGHT AND CONSIDERATION I HAVE
DECIDED TO PROTEST THE WATER RIGHT APPLICATION
96-9266 OF MY NEIGHBORS JOSEPH AND LAURIE
GAWEL. THIS PROTEST IS BASED UPON TWO POINTS:

① THE AVERAGE FLOW OF DELYLE CREEK
CANNOT SUPPORT THEIR APPLICATION FOR .37 CFS.

② SEASONAL FLUCTUATIONS IN THE FLOW
OF DELYLE CREEK WILL NOT ALLOW TWO HYDRO-
POWER PERMITS TO BE USED ON A FULL TIME
BASIS. THIS IS DUE TO THE FACT THAT OUR
PROPERTIES ARE ACROSS THE CREEK FROM EACH
OTHER WHICH DOES NOT ALLOW THE RECYCLING OF
WATER USED FOR HYDROPOWER.

THEREFORE IT IS MY PETITION THAT THE
PERMIT APPLICATION # 96-9266 BE GRANTED
WITH THE FOLLOWING LIMITATIONS.

① THE TOTAL RATE OF DIVERSION IS NOT TO EXCEED .20 CFS

② THE AMOUNT OF DIVERSION USED FOR HYDROPOWER WILL BE SUBJECT TO SEASONAL FLOW FLUCTUATIONS AND MUST BE SLOWED OR STOPPED TO ALLOW THE PRIORITY PERMIT #96-9243 TO BE UTILIZED.

THIS PROTEST IS BEING SUBMITTED FOR THE PURPOSE OF DOCUMENTING WHAT IS ALREADY ACKNOWLEDGED BY THE GAWELS. LET IT BE KNOWN THAT THE GAWELS HAVE ALREADY TAKEN ACTION ON THEIR OWN THAT IS IN LINE WITH THE ABOVE LIMITATIONS.

RESPECTFULLY,

Terence A. Day



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2005

JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

Application to Permit No. 96-9266

Dear Applicant(s):

Enclosed are copies of two (2) protests filed against approval of the above referenced application. The Department suggests that you contact the protestants directly to determine the nature of their protests and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Protestants



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2005

TERESA A DAY
2413 TWIN CREEK RD
CLARK FORK, ID 83811

Application to Permit No. 96-9266

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
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3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Joseph & Laurie Gawell

RECEIVED
DEC 16 2005
IDWR/North

DATE: 12-15-05

FROM: TERESA A. DAY - PERMIT #96-9243
2413 TWIN CREEK RD.
CLARK FORK, ID 83811

TO: KARL J. DREHER, DIRECTOR
DEPT. OF WATER RESOURCES, NORTHERN REGION
1910 NORTHWEST BLVD., SUITE 210
COEUR D'ALENE, ID 83814

DEAR DIRECTOR,

AFTER MUCH THOUGHT AND CONSIDERATION I HAVE
DECIDED TO PROTEST THE WATER RIGHT APPLICATION
96-9266 OF MY NEIGHBORS JOSEPH AND LAURIE
GAWEL. THIS PROTEST IS BASED UPON TWO POINTS:

① THE AVERAGE FLOW OF DELYLE CREEK
CANNOT SUPPORT THEIR APPLICATION FOR .37 CFS.

② SEASONAL FLUCTUATIONS IN THE FLOW
OF DELYLE CREEK WILL NOT ALLOW TWO HYDRO-
POWER PERMITS TO BE USED ON A FULL TIME
BASIS. THIS IS DUE TO THE FACT THAT OUR
PROPERTIES ARE ACROSS THE CREEK FROM EACH
OTHER WHICH DOES NOT ALLOW THE RECYCLING OF
WATER USED FOR HYDROPOWER.

THEREFORE IT IS MY PETITION THAT THE
PERMIT APPLICATION # 96-9266 BE GRANTED
WITH THE FOLLOWING LIMITATIONS.

① THE TOTAL RATE OF DIVERSION IS NOT TO EXCEED .20 CFS

② THE AMOUNT OF DIVERSION USED FOR HYDROPOWER WILL BE SUBJECT TO SEASONAL FLOW FLUCTUATIONS AND MUST BE SLOWED OR STOPPED TO ALLOW THE PRIORITY PERMIT #96-9243 TO BE UTILIZED.

THIS PROTEST IS BEING SUBMITTED FOR THE PURPOSE OF DOCUMENTING WHAT IS ALREADY ACKNOWLEDGED BY THE GAWELS. LET IT BE KNOWN THAT THE GAWELS HAVE ALREADY TAKEN ACTION ON THEIR OWN THAT IS IN LINE WITH THE ABOVE LIMITATIONS.

RESPECTFULLY,

Terese A. Day

Receipt # N017299



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2005

MARY TERRA BERNS
IDAHO FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE ID 83815

Application to Permit No. 96-9266

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

CC: Joseph & Laurie Gawell



IDAHO FISH & GAME

PANHANDLE REGION
2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

December 14, 2005

Ms. Dianne Ball
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

RECEIVED
DEC 16 2005
IDWR/North

Receipt #
ND17300

Dear Dianne:

REFERENCE: 96-9266: JOSEPH AND LAURIE GAWEL

We have reviewed the above named application to withdraw 0.04 cfs for domestic use and 0.33 cfs for hydropower from Delyle Creek, which is a tributary of Twin Creek, from January 1 to December 31. The applicant did not indicate where the water would re-enter the stream.

Delyle Creek is a tributary to Twin Creek, which harbors bull trout and cutthroat trout; therefore, it is particularly important to protect water quality and temperature in this drainage. Tributary streams are an important source of organic materials and nutrients to larger streams and are production areas for macro invertebrates that fish rely on for food. Protection of these tributary stream functions is a key element for conservation of many species of fish and to maintaining the health of larger rivers and streams. Recently, restoration work was completed on Twin Creek to improve habitat for both bull trout and cutthroat trout; therefore we are extremely keen on maintaining water quality in this stream. Additionally, we are concerned about cumulative effects. Recently, another application was submitted (Day, 96-9243) for hydropower and domestic use on Delyle Creek.

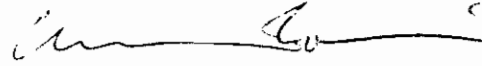
We are concerned that 0.37 cfs will substantially reduce the flow in Delyle Creek, which could jeopardize the local bull trout and westslope cutthroat population and negatively impact the recent restoration efforts on Twin Creek.

The Department believes that this request is in conflict with the local public interest, and affects a recognized beneficial use (fish and wildlife). Therefore we protest issuing this permit as applied for.

We are willing to meet with the applicant to discuss the project and potential alternatives. If you, or the applicant, have questions concerning our comments please call us at 769-1414. Mary Terra-Berns will be the contact person.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles E. Corsi', with a long horizontal flourish extending to the right.

Charles E. Corsi
Regional Supervisor

CEC:MTB:kh

C: Tracey Trent, NRPB Boise
USFWS, Spokane

File: IDWR Gawel PROTEST 96-9266

Idaho Department of Water Resources Receipt

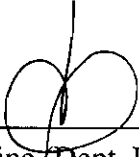
Receipt ID N017300

Payment Amount	\$25.00	Date Received	12/16/2005 2:17:15 PM	Region	Northern	Status	
Payment Type	Cash						
Payer	<i>Mary & Judy Terra-Berns</i> JUDY TERRA-BERNS						
Comment	Protest against GAWEL Permit Application 96-9266						

Corrected by Dave Shepard

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	65103	1155



Signature Line (Dept. Representative)

RECEIVED
DEC 13 2005
IDWR/North

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

96-9260

ROB BEHRENS
1510 B - BULWER
MISSOULA MT 59802
Point(s) of Diversion (2) NWNESW S13 T56N R01E
BONNER County

Source GROUND WATER

Use:DOMESTIC 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 09/07/2005

Place Of Use: DOMESTIC

T56N R01E S13 NESW

Remark: Domestic use is for up to 13 single family homes.

96-9265

PAUL M HERNDON
DEBRA K HERNDON
526 S FLORENCE
SANDPOINT ID 83864

Point(s) of Diversion NENE S27 T56N R03W BONNER
County

Source GROUNDWATER

Use:IRRIGATION 04/01 To 10/31 0.02 CFS

Use:DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/14/2005

Place Of Use: DOMESTIC

T56N R03W S27 NENE

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 1

Remark: Domestic use is for 1 home.

96-9266

JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER
County

Source DELYLE CREEK Tributary To TWIN CREEK

Use:POWER 01/01 To 12/31 0.33 CFS

Use:DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.37 CFS

Date Filed: 11/18/2005

Place Of Use: POWER

T54N R02E S1 NWNW Lot 4

Place Of Use: DOMESTIC same as POWER

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 12/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Legal SNP#7448

December 1, 8, 2005

AFFIDAVIT OF PUBLICATION

RECEIVED
DEC 13 2005
IDWR/North

STATE OF IDAHO)
) ss.
County of Bonner)

Sharilyn Jones, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Notice of App.
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

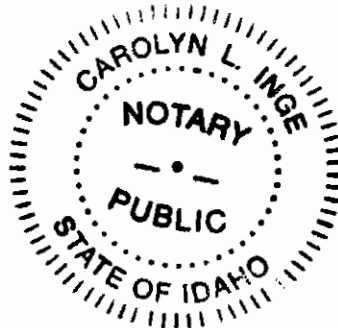
3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 1 day of Dec, 2005, and ending on the 8 day of Dec, 2005.

Sharilyn Jones

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 8 day of Dec, 2005.

Carolyn L. Inge
Notary Public
Residing at: Sandpoint
Comm. Exp.: 8/06



744/8

The following application(s) have filed to appropriate the public waters of the State of Idaho:

96-9260

ROB BEHRENS

1510 B - BULWER

MISSOULA MT 59802

Point(s) of Diversion (2) NWNESW S13 T56N R01E

BONNER County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 09/07/2005

Place Of Use: DOMESTIC

T56N R01E S13 NESW

Remark: Domestic use is for up to 13 single family homes.

96-9265

PAUL M HERNDON

DEBRA K HERNDON

526 S FLORENCE

SANDPOINT ID 83864

Point(s) of Diversion NENE S27 T56N R03W BONNER County

Source GROUNDWATER

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/14/2005

Place Of Use: DOMESTIC

T56N R03W S27 NENE

Place Of Use: IRRIGATION - same as DOMESTIC

Number of Acres 1

Remark: Domestic use is for 1 home.

96-9266

JOSEPH GAWEL

LAURIE GAWEL

2627 TWIN CREEK RD

CLARK FORK ID 83811

Point(s) of Diversion L4 (NWNW) S1 T54N R02E BONNER County

Source DELYLE CREEK Tributary To TWIN CREEK

Use: POWER 01/01 To 12/31 0.33 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.37 CFS

Date Filed: 11/18/2005

Place Of Use: POWER

T54N R02E S1 NWNW Lot 4

Place Of Use: DOMESTIC same as POWER

Remark: Domestic use is for 1 home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 12/19/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director - Published on December 1 & 8, 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 22, 2005

SHERI JONES
LEGAL NOTICE DEPARTMENT
BONNER COUNTY DAILY BEE
PO BOX 159
SANDPOINT ID 83864

Please FAX proof copy before publication, to 208-769-1454
Thanks, Dianne

RE: Application for Permit No. 96-9260, 96-9265 and 96-9266

Dear Sheri:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, December 1 & 8, 2005, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/19/2005. Your cooperation is GREATLY appreciated, as always.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, November 22, 2005 11:07 AM
To: Legal Notices-Bonner Co Daily Bee (E-mail)
Subject: Legal notice for publication on December 1 and 8, 2005

Good morning, Sheri,

Attached is our cover letter requesting publication on December 1 & 8, 2005 of a legal notice, also attached.

If you cannot publish on the dates requested, or if you have ANY questions, please call me at 208-769-1450.

PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION - AT 208-769-1454.

Thank you - it's always a pleasure to work with you.

Have a very happy day and a blessed Thanksgiving.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454*



CoverLetter
l-22-05 BCDB e-ma.



LegalNotice
l-22-05 BCDB e-ma.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 22, 2005

JOSEPH GAWEL
LAURIE GAWEL
2627 TWIN CREEK RD
CLARK FORK ID 83811

RE: Application for Permit No 96-9266

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Bonner County Daily Bee on December 1 & 8, 2005. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Gregory J. Taylor
Senior Water Resource Agent

Enclosure(s) – Receipt No. N017275



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 31, 2005

JOE GAWELS
2627 TWIN CREEK RD
CLARK FORK ID 83811

RE: Diversion of water from Delyle Creek

Dear Mr. Gawels :

It has come to our attention that you are currently, and have previously, diverted water from Delyle Creek on the property you own in Bonner County. Idaho State Law requires a valid water right before surface water can be diverted for any purpose. Therefore, diverting water from Delyle Creek without a valid water right is illegal.

We are sending this letter to help bring you into compliance with the law. We have enclosed an Application for Permit form that you should complete and send to this office if you wish to divert water from the creek. If the application is complete and the appropriate fees are enclosed, we will advertise the application in the local paper and protests can be filed by other interested parties.

If you do not contact us within 15 days of the date of this letter, we will proceed with the issuance of a Notice of Violation that can result in civil penalties of fifty dollars (\$50.00) per one-tenth (0.1) cubic feet per second of water or part thereof diverted per calendar day, up to a maximum penalty of fifty thousand dollars (\$50,000) per year for water illegally used or diverted.

Sincerely,

Gregory J. Taylor
Sr. Water Resource Agent

*Spoke w/ Mr. Gawels
11-4-05 - will send
app. as soon as he gets
paid in 2 weeks*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

November 18, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2750 KATHLEEN AVE.
COEUR D'ALENE, ID 83815

FAXED TO MARY 11/18/05
5 pages total

Re: Water Permit Application No. 96-9266 GAWEL

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **December 16, 2005**. If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Dianne.Ball@idwr.idaho.gov.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne Ball
Administrative Assistant